

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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JOHN E. ANDRUS MEMORIAL, INC. (d/b/a	:	filed electronically
ANDRUS ON HUDSON),	:	
	:	07-CV-3432 (CLB) (KNF)
Plaintiff	:	
-against-	:	
	:	AMENDED NOTICE OF
	:	MOTION FOR SUMMARY
RICHARD F. DAINES, as Commissioner of the	:	JUDGMENT
New York State Department of Health,	:	
	:	
Defendant.	:	
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PLEASE TAKE NOTICE that, upon the complaint, dated April 30, 2007, the Affidavit of Neil Benjamin dated July 11, 2007, the Affidavit of David R. Sandman, PhD dated July 10, 2007, the Affidavit of John P. Gasior dated July 13, 2007, the defendant's Memorandum of Law, and all other pleadings and proceedings herein, defendant shall move this Court before the Honorable Charles L. Brieant, at the United States Courthouse, 300 Quarropas Street, White Plains, New York, on September 7, 2007, 10 A.M., for an order and judgment dismissing this action pursuant to Federal Rule of Civil Procedure Rule 56 (b), and for such other and further relief as this Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's May 25, 2007 Order, any opposing affidavits and memoranda shall be served by August 3, 2007 and reply affidavits and memoranda shall be served by August 10, 2007.

Dated: New York, New York
July 18, 2007

ANDREW M. CUOMO
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State of New York
Attorney for Defendant



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